

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of Nebraska Resources	)	Application No. NG-0053
Company, LLC, Tulsa, Oklahoma,	)	
seeking a Certificate of Public	)	
Convenience and Necessity authori-	)	HEARING OFFICER ORDER
zing it to operate as a	)	AMENDING SCHEDULE
jurisdictional utility in Nebraska	)	
and approval of tariff.	)	
	)	Entered: April 23, 2008

BY THE HEARING OFFICER:

On January 15, 2008, Nebraska Resources Company, LLC, (NRC) filed an application seeking a Certificate of Public Convenience and Necessity (Application) authorizing it to operate as a jurisdictional utility in Nebraska and approval of tariff. Notice of the Application was published in the Daily Record, Omaha, Nebraska, on January 17, 2008.

Petitions for Intervention were filed by Constellation NewEnergy-Gas Division, the Public Advocate, NorthWestern Energy, SourceGas Distribution LLC, Aquila Networks, Northern Natural Gas, and Kinder Morgan Interstate Gas Transmission LLC.

A planning conference was held on March 3, 2008. Because the Commission does not have established rules and regulations governing applications for certificates of public convenience for jurisdictional utilities, the Hearing Officer sought comment from the parties with respect to the procedure by which the Application should be addressed as well as the schedule of proceedings. Based upon the comments received, the Commission entered an order defining the scope of the hearing and setting an aggressive procedural schedule based in part on assurances by NRC that its prefiled testimony would be verifications of witnesses for the Application already filed and that parties could begin discovery immediately. Pursuant to the procedural schedule, NRC filed its prefiled testimony on March 28, 2008. However, the testimony contained significant differences from the Application as filed. Differences related to resizing of the proposed pipeline, modifications in the pipeline route, changes in rates and cost of service allocations.

On or about April 10, 2008, Northern Natural Gas Company (Northern) filed a Request for Status Conference. On April 11, 2008, Kinder Morgan Interstate Gas Transmission LLC (Kinder Morgan) filed its own Motion in Support of the Request of a Status Conference. On April 14, 2008, SourceGas Distribution LLC (SourceGas) filed its Response to Request for a Status Conference in support of Northern's motion. NRC filed its response to the requests on April 18, 2008. The status meeting was held on April 18, 2008.

The Commission finds that based upon the differences between the Application and the direct testimony filed by NRC, parties will require additional time to review the testimony and exhibits; to

prepare and conduct discovery and to prepare for hearing. Additionally, NRC shall provide all Intervenors and the Commission with copies of the pre-filed testimony which includes a comprehensive set of all current exhibits and schedules relied upon in the testimony.

#### **A M E N D E D   S C H E D U L E**

Based upon the comments received and in an effort to ensure a fair and complete review, the Hearing Officer has made adjustments to the schedule previously established and finds the following.

Applicant shall provide to all Intervenors and file with the Commission its Prefiled Testimony with a comprehensive set of all current exhibits and schedules relied upon in the testimony no later than **5:00 p.m. on May 2, 2008**.

Discovery by Intervenors shall continue pending receipt of the comprehensive set of current exhibits and schedules and must be completed no later than **June 6, 2008**. Any discovery by the Applicant shall be completed no later than **June 13, 2008**. All responses to discovery requests shall be due within **ten (10) business days of service** unless otherwise agreed to by the parties. All parties should copy all parties via email listed on the service list on all discovery requests and responses. In addition, all parties should also send an electronic copy to the Commission at [rose.price@psc.ne.gov](mailto:rose.price@psc.ne.gov).

Intervenors shall file with the Commission their prefiled testimony no later than **5:00 p.m. on June 13, 2008**. Applicant shall file any rebuttal testimony no later than **5:00 p.m. on June 20, 2008**. Any prehearing motions shall be filed no later than **5:00 p.m. on June 20, 2008**.

Hearing on the Application shall take place on **June 30 through July 3, 2008**. Hearing shall begin at **9:00 a.m.** each day with the exception of Tuesday, June 3rd, at which time the hearing will commence following the conclusion of the Commission's regular public meeting.

Post hearing briefs must be filed no later than **ten (10) business days** after completion of the transcript. Reply briefs will be due **ten (10) business days** after initial briefs.

#### **M I S C E L L A N E O U S**

The Hearing Officer recognizes that the modified hearing schedule includes dates during which a potential witness of the Public Advocate is not available. Therefore, the hearing officer proposes that the witness for the Public Advocate may be made available pursuant to a video deposition and that said deposition may be used at hearing.

Finally, Northern Natural Gas has filed a Motion to Compel regarding discovery requests to NRC. The Hearing Officer finds that

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should NRC wish to file a response to the filing, it should do so no later than **May 2, 2008**.

**O R D E R**

IT IS THEREFORE ORDERED by the Hearing Officer the amended schedule set forth herein be adopted and hearing scheduled for **June 30 through July 3, 2008**.

IT IS FURTHER ORDERED that NRC shall provide all Intervenors and the Commission with copies of the pre-filed testimony which includes a comprehensive set of all current exhibits and schedules relied upon in the testimony no later than **May 2, 2008**.

IT IS FURTHER ORDERED that the hearing officer proposes that the witness for the Public Advocate could be made available for a video deposition and that said video deposition could be utilized during the hearing.

IT IS FINALLY ORDERED that should NRC wish to file a response to the Motion to Compel filed by Northern Natural Gas, it shall do so no later than **May 2, 2008**.

MADE AND ENTERED at Lincoln, Nebraska, this 23rd day of April, 2008.

By: \_\_\_\_\_

*June Sanli*  
Hearing Officer